

REMARKS

Status of the Claims

Claims 1 and 15-20 are pending in this application, with Claims 1, 19, and 20 being independent.

Requested Action

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejection in view of the following remarks.

Formal Claim Rejection

Claims 1 and 15-18 are rejected under 35 U.S.C. § 101 as allegedly being directed to a computer program.

Applicant respectfully traverses the rejection for the following reasons. These claims are directed to an --apparatus--, not to a process, algorithm, or, intangible computer program. And MPEP § 2106(B)(2)(a) states that a "claim limited to a machine or manufacture, which has a practical application in the technological arts is statutory. In most cases, a claim to a specific machine or manufacture will have a practical application in the technological arts." In addition, Applicant notes that these claims are limited to a practical application in the technological arts, and that the claimed invention is not a natural phenomenon, abstract idea, law of nature, "descriptive material", or "mere manipulation of abstract ideas", but is a tangible form of matter that effects a practical result (i.e., color signal correction) and therefore is statutory, as set forth in MPEP § 2106. Moreover, contrary to the assertions set forth in the Official Action, the claimed image quality adjustment value storage means is disclosed at page 11, line 23, as being, by way of example, an EEPROM, which is a tangible object, while the control means is supported by, e.g., the CPU 76, which also is a tangible object. For these reasons, Applicant submits that the rejection under 35 U.S.C. § 101 is inappropriate and respectfully requests that it be withdrawn.

Substantive Rejection

Claims 1, 15 through 17, 19, and 20 are rejected under 35 U.S.C. § 103 over commonly-assigned U.S. Patent No. 6,791,624 B1 (Suga), in view of U.S. Patent No. 6,449,018 B1 (Yokoyama).

This rejection is respectfully traversed for the following reasons. Since Suga was patented more than three years after the January 18, 2001 priority date of the present application, it qualifies as prior art only under 35 U.S.C. § 102(e), since it was filed before this priority date on October 17, 2000. As a result, this obviousness rejection is a rejection under 35 U.S.C. § 102(e)/103. But, the Suga patent is disqualified as prior art under 35 U.S.C. 103(c), because this application, U.S. Patent Application No. 10/042,231 and the Suga patent (U.S. Patent No. 6,791,624) were, at the time the invention of U.S. Patent Application No. 10/042,231 was made, owned by or subject to common assignment to Canon Kabushiki Kaisha. Therefore, in accordance with MPEP § 706.02(l)(2), Applicant respectfully requests that the rejection of Claims 1, 15 through 17, 19, and 20 be withdrawn.

Conclusion

In view of the above remarks, the application is in allowable form. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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